

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 1031

Introduced by Senator Hollingsworth

February 22, 2005

An act to add Section 2330.2 to the Family Code, relating to dissolution of marriage.

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as amended, Hollingsworth. Dissolution of marriage: ~~family counseling~~. *family education*.

Existing law provides for commencement of proceedings for the dissolution of marriage upon the filing of a petition for dissolution. The court is required, if it appears that there is a reasonable possibility of reconciliation, to continue the proceeding for the dissolution of the marriage for a period not to exceed 30 days. Existing law also establishes the family conciliation court, which may be implemented by the superior court in each county, to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies.

This bill would require the parties to a proceeding for dissolution of marriage, if minor children are involved, to complete 4 hours of ~~family counseling~~ *education*, either together or separately, during the ~~30-day~~ *60-day* period immediately following the filing of the petition for dissolution of marriage.

The bill would require the court to order parties seeking legal separation or ~~divorce~~ *dissolution* to participate in education classes focusing substantially on the potential impact of separation or ~~divorce~~ *dissolution* on children. The bill would include specified exceptions to that provision. The bill would require the parties to commence the

classes within ~~20~~ 45 days of filing the petition for legal separation or ~~divorce dissolution~~.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) Three out of five divorces involve children.

4 (b) Since 1970, one million children per year are victims of
5 divorce.

6 (c) Children of divorce are twice as likely to drop out of
7 school, one and one-half times as likely to be out of work and out
8 of school, seven times more likely to be in poverty, and three
9 times more likely to have a child out of wedlock.

10 (d) The state bears huge financial burdens dealing with the
11 fallout from divorce in the form of welfare, corrections, and other
12 social programs.

13 (e) Fewer than one-third of parental divorces occur because of
14 high conflict, and children benefit from divorce only when they
15 are removed from violent or abusive situations.

16 (f) Research shows that divorce often impoverishes women and
17 children. About one-fifth of women who apply for welfare
18 benefits for the first time do so because of divorce or separation,
19 and about one in four of those women are still welfare dependent
20 five years later.

21 SEC. 2. Section 2330.2 is added to the Family Code, to read:

22 2330.2. (a) In a proceeding for dissolution of marriage, if
23 minor children are involved, the parties shall complete four hours
24 of family ~~counseling~~ education, either together or separately,
25 during the ~~30-day~~ 60-day period immediately following the filing
26 of the petition for dissolution of marriage.

27 (b) (1) Except as otherwise provided in this section, in any
28 proceeding pursuant to this chapter in which there are dependent
29 children of the marriage who are younger than 18 years of age or
30 in which the wife is pregnant, the court shall order the parties
31 seeking legal separation or ~~divorce dissolution~~ to participate in
32 education classes of their choice, focusing substantially on the
33 potential impact of separation or ~~divorce dissolution~~ on children.

1 (2) The parties shall commence education classes within ~~20~~ 45
2 days after the filing of the petition for legal separation or ~~divorce~~
3 *dissolution*.

4 (3) The education classes shall be provided to parties by one
5 or more of the following:

6 (A) A marriage and family therapist, social worker,
7 professional counselor or psychologist licensed in this state.

8 (B) An unlicensed therapist acting under the supervision of a
9 person described in subparagraph (A).

10 (C) A member of the clergy.

11 (D) A person acting under the supervision of a member of the
12 clergy.

13 (4) The education classes shall commence within ~~20~~ 45 days
14 after the filing of the petition for legal separation or ~~divorce~~
15 *dissolution* and shall consist of a minimum total of four hours
16 after the filing of the petition unless the parties reconcile prior to
17 completion of the education classes. Counseling in which the
18 parties have participated at any time within six months prior to
19 the filing of the petition shall also count toward the hourly
20 requirements set forth in this paragraph, if that counseling
21 focused substantially on the potential impact on children of
22 separation or ~~divorce~~ *dissolution*. The parties may elect to
23 participate in the education classes together or separately.
24 Whether the parties participate in the education classes together
25 or separately, each party shall participate for a total of four hours.

26 (5) After a party has successfully completed the education
27 classes, the person providing the education classes shall provide
28 the participating party with a certificate of completion, letter of
29 verification, or some other written documentation indicating
30 successful completion of the education classes. The person
31 providing education classes may also provide to the party a list of
32 resources for marital counseling, child counseling, and other
33 support services that may be available in the community to the
34 party and the party's children.

35 (6) The court may provide ~~indigent parties~~ alternatives as may
36 be necessary to enable a party to obtain the education required by
37 this section *if the party demonstrates undue financial hardship*.

38 (c) The parties may elect to attend the education classes
39 together unless one of the following circumstances exists:

1 (1) A protective order has been issued against one of the
2 parties.

3 (2) There have been allegations of violence within the
4 marriage.

5 (3) One of the parties prefers to attend the education class
6 without his or her spouse.

7 (d) The court shall not require the education classes prescribed
8 in subdivision (b) under any of the following circumstances:

9 (1) Service of process was satisfied by publication and the
10 whereabouts of one of the parties cannot be determined.

11 (2) One of the parties to the marriage at the time of the action
12 is serving a sentence in the state prison.

13 (3) The youngest child of the parties is within six months of
14 attaining 18 years of age.

15 (4) One of the parties to the proceeding does not live in this
16 state.

17 (5) The parties have been living separate and apart for more
18 than five years.

19 (6) *One of the parties is seeking a default dissolution.*

20 (e) If the petition for legal separation or ~~divorce~~ *dissolution* is
21 not dismissed, the costs, if any, associated with the education
22 classes required by subdivision (b) shall be paid by the
23 participating parties in accordance with each party's ability to
24 pay, as the court deems appropriate.

25 (f) *This section shall apply to any petition for dissolution of*
26 *marriage filed on or after January 1, 2006.*